

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: August 10, 2004

TIME: 6:38 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,
Allan Loiselle, James Silva-*arrived at 6:40*

OTHERS

PRESENT: Steve Ledoux, Town Manager

Motion to Go Into Executive Session for the Purpose of Discussing Real Estate Negotiations, Hyams Foundation and Negotiations on Sale of Crescent Street Property

The Board voted to go into Executive Session at 6:38 p.m. for the purpose of discussing real estates negotiations, Hyams Foundation and negotiations on the sale of Crescent Street property. A polling of the Board: Jefferies-yes; Healy-Coffin-yes; Romeo-yes; Loiselle-yes; Silva-absent. Also in attendance: Steve Ledoux-Town Manager, Norman Khumalo-Assistant Town Manager, Nancy Rosinski-Westford Land Preservation Foundation, and Nellie Aikenhead, Trust for Public Land. Rosinski and Aikenhead to attend the Hyams Foundation discussion only. The Board to reconvene to regular session at the end of Executive Session to complete the agenda items.

Reconvene to Regular Session

The Board reconvened to regular session at 7:30 p.m.

Open Forum

Romeo announced that there is an affordable unit available for sale in the Stone Ridge 55+ development. Romeo urged anyone interested to call Attorney Howard Hall for more details.

Selectmen to Sign Subordination and Partial Releases, Brookside Mill Condominiums

Attorney Elaine Lucas, Town Counsel and Attorney Suzanne Poitras, representing Brookside Mill Condominiums, were present. Poitras submitted a check in the amount of \$23.17 for the outstanding taxes. Lucas stated that the developer was looking to close on twenty units. Lucas provided for the Board's signature a Subordination Agreement, 35 partial releases, one final release and an amendment to the Purchase and Sale Agreement. Lucas explained that the amendment to the Purchase and Sale Agreement was for Units 9 and 10 which are going through the lottery and were originally priced at \$111,000 and \$152,300. The unit prices have been adjusted for sale at not more than \$141,650 with \$5,000 from each going to the Westford Housing Authority. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to authorize the signing of the Subordination Agreement, 35 partial releases, one final release and amendment to the Purchase and Sale Agreement, with Town Counsel holding the final release until the Board gives its approval.**

Lucas recommended that \$6,000 be held in escrow by Town Counsel regarding the repairs to the dam pursuant to an estimate for the repairs. Lucas stated that if the Town has to do the repairs, the escrow money can be used. If the developer does the repairs, the \$6,000 will be returned to the developer. Ledoux reported that the developer is doing a feasibility study regarding a possible hydroelectric power plant. The repairs to the dam could be done as part of that plant. Romeo was concerned with the amount of time involved with the feasibility study and suggested a sunset clause on the \$6,000. **It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to hold \$6,000 in escrow with a nine (9) month sunset clause (after which time the Town takes the money).** Lucas suggested that the Board can review the escrow agreement when the nine month period expires.

Discussion of Right of First Refusal, Tzikopoulos Land, Tyngsborough Road

Attorney Elaine Lucas, Town Counsel, was present for the discussion. Ledoux reported that a public auction was held on July 27, 2004 regarding the property which was under Chapter 61A. Ledoux stated that the Town has the right to meet any bona fide offer. The Town has 120 days (beginning July 27th) to decide to exercise its right of first refusal. The Board discussed the 12 acre parcel which is contiguous with other town-owned land. Diane Holmes, Land Acquisition Oversight Committee, stated that she was in favor of acquiring this

land. Holmes also discussed the possibility of a mixed use for the Edwards property and the need for affordable housing on town-owned land. Holmes stated that the Committee will be making a presentation to the Affordable Housing Committee on Wednesday, August 11, 2004. Nancy Rosinski, Westford Land Preservation Foundation, recommended that if the Board does not want to exercise its right of first refusal, the Board can sign over that right to another group to see if there is any interest. Rosinski suggested following this process for every Chapter 61A parcel that comes before the Board. The Board suggested that Ledoux firm up the language in the placeholder for Fall Town Meeting making it specific to this property. Healy-Coffin suggested deferring this matter to the next meeting after obtaining more information from other boards and committees regarding interest in this property. The Board concurred.

Automated External Defibrillators (AED) Certificate Award – Sandy Collins, Bob Benoit & Jonathan Epstein

Jonathan Epstein, Executive Director of New England Emergency Medical Services on behalf of the Massachusetts Department of Public Health and the American Heart Association Regional Council, honored Westford with the Heart Safe Community Award and presented street signs to the Board.

Sandy Collins, Board of Health, reported that the following groups donated Automated External Defibrillators (AED's) to the Town:

Westford Rotary – 2 units; Westford Kiwanis – 1 unit; Westford Teen Center – 2 units; Westford Academy Teachers Union – 2 units; Phillips Company – 2 units; DPH – 2 units.

It was moved by Healy-Coffin, seconded by Silva, and VOTED UNANIMOUSLY, to accept the gifts of Automated External Defibrillators from the Westford Rotary; Westford Kiwanis; Westford Teen Center; Westford Academy Teachers Union; Phillips Company; and DPH.

Meeting with Water Commissioners to Discuss Perchlorate Notification within the Town

Bob Carter and Leslie Thomas, Water Commissioners, and Elaine Major, Water Department, were present to discuss the recent public health notification relative to the perchlorate found in the water. Carter outlined the sequence of events as outlined in a memo distributed to the Board. Thomas stated that this is a pilot test being done by the State which has never been tested in Massachusetts prior to this time. Major outlined the testing and re-testing that was done and stated that they are still trying to determine the source of the perchlorate.

David Brody, 56 Lakeshore Drive North, expressed frustration regarding the DEP rules for notification and testing. Brody felt that the residents should have had informal notification immediately as a means to protect the water takers.

Jefferies suggested determining whether DEP regulations say that a water department cannot do informal notification. Thomas stated that she would ask DEP about informal notification. Brody stated that he reviewed the DEP guidelines and could not find anything regarding informal notification. Brody asked how the Town would be notified in case of an emergency alert. Ledoux stated that Westford has a reverse 911 system that can call all residents. Jefferies recommended that the Board discuss emergency alert procedures at a future meeting.

Request from Hildreth Heights Condominium Trust for Trash Pickup

Cheryl Boggia, Chairperson, Hildreth Heights Condominium Trust, was present requesting access to the Town's trash pick up services. Boggia stated that other condominiums, Blanchard Farms and Pilgrim Village, in Westford utilize the Town's trash services. Boggia also stated that Hildreth Heights Condominiums participate in the Town's recycling program. Jefferies noted that recycling should not be picked up at Hildreth Heights. Jefferies stated that the Order of Conditions from the Planning Board should indicate that there is no trash pick up and that the road is private. Ledoux will ask the Town Planner to research the Planning Board files regarding trash pick up. Ledoux will review the recycling issue relative to Hildreth Heights Condominium and report back to the Board.

Request for Trash Pick at 68 Beaver Brook Road

Ledoux reported that a request was received for trash pick up at 68 Beaver Brook Road. Ledoux stated that the property is partially located in Westford and Littleton. Ledoux to determine which town the domicile is located. The resident indicated that recycling is being picked up at this location. Ledoux to review the recycling issue.

Discussion of Trail Easement/Wyman's Beach

Silva reported that the property has been sold for a summer resort area. Silva asked if the Board would be interested in getting a trail easement to visit the pond. The Board was in agreement with the proposed easement. **It was moved by Silva, seconded by Loiselle, and VOTED UNANIMOUSLY, to recommend to the Planning Board that a trail easement be formed on Wyman's Beach with the possibility of beach access.** Ledoux will try to get a copy of a letter regarding the notification to the Town by the Wyman family regarding the sale of the property.

Zoning Board of Appeals Membership

Ledoux reminded the Board that Sam Frank, Chairman of the Zoning Board of Appeals (ZBA), was recently before the Board seeking to increase the number of alternates on the ZBA. There is a warrant article to increase the alternate membership to three (3). **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to put on the Fall Town Meeting warrant an article to increase the alternate membership for the Zoning Board of Appeals to three.**

Report on William's Avenue Property

Ledoux referenced a report dated July 27, 2004 from Norman Khumalo, Assistant Town Manager, regarding a request from residents seeking a solution to speeding concerns on William's Avenue. Ledoux stated that in the past he and the Highway Superintendent have met with residents to talk about betterments. Jefferies asked Ledoux to get input from the Conservation Commission regarding their feelings on paving the road and whether they would like to participate in the betterment given that a large portion of land on William's Avenue is owned by the Conservation Commission.

Request for Waiver from Hiring Freeze

Library Page – Ellen Rainville, Library Director, was present asking to waive the hiring freeze for two (2) library pages. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to waive the hiring freeze for two pages in the library.**

Interim Human Resources Director – Ledoux stated that when he first advertised for the Human Resources Director position it was prior to the decision of a joint director with the Town and School Department. Ledoux stated that he and Steve Foster, School Superintendent, put together a search committee to fill the position of Joint Human Resources Director. Ledoux stated that the Personnel Advisory Committee will be putting together new job descriptions for Fall Town Meeting. Ledoux stated that this position could have a new job description and a new band. Ledoux recommended holding off on the process for the Joint Human Resources Director until after Fall Town Meeting. Ledoux stated that he would interview firms for interim human resources services and will have the costs by August 13, 2004. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to give the Town Manager the latitude to look into hiring on an interim basis a Human Resources firm to work 10-15 +/- hours per week until after Fall Town Meeting when the salary is determined and where this position will fit in the bands.**

Appointments, Licenses, Permits

One Day License – Anniversary Gala; Cameron Senior Center, October 5, 2004; 1:00 -3:00 PM – **It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to grant the One Day License and waive the fee.**

Request for Block Party – Buckboard Drive, September 11, 2004 – **It was moved by Healy-Coffin, seconded by Silva, and VOTED UNANIMOUSLY, to approval contingent upon approval by the Police Chief and Fire Chief.**

Request to close Fairview Drive for Neighborhood Picnic – September 11, 2004 (Rain date: September 12, 2004) – **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve contingent upon approval by the Police Chief and Fire Chief.**

One Day License – Raymond Wheeler, Bobolink Road, September 18, 2004, 1:00-4:00 PM – It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve.

Appointment of Election Officers – It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to appoint the list of 85 election officers as outlined in a memo from the Town Clerk dated August 5, 2004 and amended here tonight.

Franklin Property

No report at this time.

Minutes

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of June 22, 2004, regular session.

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of June 22, 2004, executive session, but NOT release to the public.

Old Business/New Business

Selectmen's Policy and Procedure Manual – Romeo stated that the Board discussed this matter approximately one year ago at which time Romeo indicated that he would speak to the League of Women Voters for assistance. Romeo reported that the League is unable to assist in this matter but indicated that some members may be willing to work on a committee. Romeo suggested that the Board establish a committee with the membership consisting of two Selectmen (Romeo and Silva volunteered), the Town Clerk, and the public at large. The Board concurred. It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, that the Board of Selectmen establish a committee to put together the Selectmen's Policy and Procedure Manual.

Selectmen to Sign Primary Election Warrant – It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to sign the Primary Election Warrant.

Selectmen to Review Account for Westford Partnership for Children – Ledoux stated that the Schools, Roudenbush and Recreation have been working together to create the Westford Partnership for Children, an after school enrichment program. To handle the finances the plan was to establish a Revolving Account through the Town Manager's office. It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to establish the Revolving Account.

Stormwater Management Meeting – Silva reported on the recent Stormwater Management meeting regarding Phase II of the Stormwater Runoff Management. Silva stated that the Town will need to pass a bylaw regarding oversight and maintenance.

Correspondence

Jefferies read the list of correspondence.

8.16 Letter from Ellen Harde – Finance Committee Membership – The Board asked Ledoux to send letters of appreciation to Judy Culver and David Keele regarding their recent resignations from the Finance Committee.

Open Items

- 8/10-1 Ledoux to get information from other boards and committees re: interest in the Tzikopoulos land.
- 8/10-2 Ledoux to schedule discussion of right of first refusal on future agenda re: Tzikopoulos.
- 8/10-3 Ledoux to schedule discussion re: emergency alert procedures at future meeting.
- 8/10-4 Ledoux to ask Town Planner to research Planning Board files re: trash pick up request from Hildreth Hills Condo (and other condominiums) and resolve recycling issue.
- 8/10-5 Ledoux to determine which Town domicile is located re: 68 Beaver Brook Road request for trash pick up and resolve recycling issue.
- 8/10-6 Ledoux to try to get copy of letter from Wyman Family re: letter notifying Town of sale of Wyman's Beach.
- 8/10-7 Ledoux to send letter to Planning Board re: proposed easement on Wyman property.
- 8/10-7 Ledoux to get input from Conservation Commission re: paving of William's Avenue and participation in betterment.
- 8/10-8 Ledoux to send letters of appreciation to Judy Culver and David Keele re: resignation from Finance Committee.

Adjournment

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to adjourn the meeting at 9:35 p.m.

Steve Ledoux, Town Manager

Robert Jefferies, Chairman